

REMARKS

The Official Action of January 5, 2009, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims have been amended to be directed to the elected invention. For convenience in entry of the amendment, the claims have been canceled in their entirety and presented as new Claims 20-34. As requested by the Examiner, the method of treatment claims have been canceled without prejudice. Support for this amendment is found in the specification, e.g. at page 3, line 5 to page 15, line 6; and the claims of the application as filed.

Claims 20-34 are pending in the application.

1. Restriction Requirement

Under 35 U.S.C. 121, the Examiner required restriction among:

Group I, Claims 1-16 (in part) drawn to compounds and compositions wherein Y = N (pyrazines) and R²⁻³ does not form a ring.

Group II, Claims 1-16 (in part) drawn to compounds and compositions wherein Y = N (pyrazines) and R²⁻³ form a 4-7 membered ring.

Group III, Claims 1-16 (in part) drawn to compounds and compositions wherein Y = C or C-halogen (pyridines) and R²⁻³ does not form a ring.

Group IV, Claims 1-16 (in part) drawn to compounds and compositions wherein Y = C or C-halogen (pyridines) and R²⁻³ form a 4-7 membered ring.

Group V, Claims 1-16 (in part) drawn to compounds and compositions not embraced by Groups I-IV.

Group VI, Claim 17 (in part), drawn to methods of treating pain using compounds in either Groups I-V.

Group VII, Claim 17 (in part), drawn to methods of treating anxiety using compounds in either Groups I-V.

Group VIII, Claim 17 (in part), drawn to methods of treating Parkinson's disease using compounds in either Groups I-V.

Group IX, Claim 17 (in part), drawn to methods of treating epilepsy using compounds in either Groups I-V.

Group X, Claim 17 (in part), drawn to methods of treating cognitive dysfunction using compounds in either Groups I-V.

Group XI, Claim 17 (in part), drawn to methods of treating drug addiction using compounds in either Groups I-V.

Group XII, Claim 17 (in part), drawn to methods of treating circadian rhythm and sleep disorders using compounds in either Groups I-V.

Group XIII, Claim 17 (in part), drawn to methods of treating obesity using compounds in either Groups I-V.

Group XIV, Claim 17 (in part), drawn to methods of treating disorders not embraced by Groups VI-XIII using compounds in either Groups I-V.

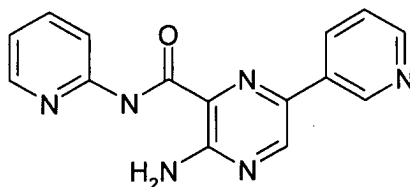
In response to this requirement, the Applicants hereby elect Group I, Claims 1-16 (in part) drawn to compounds and compositions wherein Y = N (pyrazines) and R²⁻³ does not form a ring, without traverse.

The claims reading on this group are new Claims 20-35.

Under 35 U.S.C. 121, the Examiner further requested election of a single species for purposes of the search.

In response to this requirement, Applicants hereby elect the compound of Example 25 (page 42) and Claim 33 (page 13, 1st column, 4th column herein), with traverse:

3-Amino-N-pyridin-2-yl-6-pyridin-3-ylpyrazine-2-carboxamide



The elected claims reading on this compound are Claims 20-29 and 33-34.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

An Information Disclosure Statement is submitted herewith.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By 

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